

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7333

BILL NUMBER: SB 581

NOTE PREPARED: Jan 16, 2007

BILL AMENDED:

SUBJECT: Probation and Parole Violations.

FIRST AUTHOR: Sen. Walker

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a court, as a condition of probation, and the parole board, a condition of parole, to prohibit a sex offender from possessing pornography.

Effective Date: July 1, 2007.

Explanation of State Expenditures: There would be a minimum impact on Department of Correction (DOC) facilities. Currently, offenders on parole must agree to 19 stipulations. One of these stipulations is not possessing any sexually arousing materials. The Department of Correction receives offenders who are either on probation or parole and who commit a technical violation. In CY 2005, 91 sex offenders returned to DOC facilities due to a technical violation.

Explanation of State Revenues:

Explanation of Local Expenditures: There could also be a minimum impact on probation programs. As a condition of probation, a sentencing court may require sex offenders to participate in a treatment program (IC 35-38-2-2.4). Offenders in treatment programs will generally be prohibited from possessing pornography or any material that contains or depicts nudity. Offenders who violate the treatment program are often returned to DOC on a technical violation.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Probation Departments.

Information Sources: Probation Officers Professional Association of Indiana;
http://www.sexoffenderprograms.com/in_phasethree.cfm

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